

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
SHELBY DIVISION**

IN RE:)	
)	
VICTORIA HARWELL GARDNER,)	CASE NO. 11-40659-JCW
)	CHAPTER 12
)	
<u>Debtor.</u>)	
)	
VICTORIA HARWELL GARDNER,)	
)	
Plaintiff.)	
)	
v.)	ADVERSARY PROCEEDING NO. 14-4004
)	
DEUTSCHE BANK TRUST COMPANY)	
AMERICAS AS INDENTURE)	
TRUSTEE FOR THE REGISTERED)	
HOLDERS OF SAXON ASSET)	
SECURITIES TRUST 2004-3)	
MORTGAGE LOAN ASSET BACKED)	
NOTES SERIES 2004-3 and)	
OCWEN LOAN SERVICING, LLC,)	
)	
<u>Defendants.</u>)	

JOINT STIPULATION AS TO AFFIDAVITS AND EXHIBITS

Come now the Plaintiff and Defendants Deutsche Bank Trust Company Americas as Indenture Trustee for the Registered Holders of Saxon Asset Securities Trust 2004-3 Mortgage Loan Asset Backed Notes Series 2004-3 and Ocwen Loan Servicing, LLC (collectively, the “Parties”), through counsel, and hereby file this Joint Stipulation as to Affidavits and Exhibits. The Parties agree this Stipulation can be used in this case or any other contested case, adversary proceeding, or any other judicial, quasi-judicial, non-judicial, or any other legal matter or any other dispute involving the parties and their successors and assigns.

I. Stipulation Regarding Affidavits

On behalf of the Parties, the undersigned counsels of record for Plaintiff and Defendants hereby jointly stipulate as follows:

a. The Affidavits attached hereto as Exhibits B and C were drafted with the Affiants' personal knowledge and there are no objections as to the authenticity of the Affidavits marked as Exhibits B and C.

II. Stipulation Regarding Exhibits

On behalf of the Parties, the undersigned counsels of record for Plaintiff and Defendants hereby jointly stipulate as follows:

a. The Ocwen Transaction Histories attached to the Affidavits as Exhibits B-1 and C-1 respectively are (i) true, accurate and complete copies of the original documents; (ii) genuine and authentic; and (iii) admissible at any hearing in any matter as described above without any further evidentiary foundations being laid. There are no circumstances that would make it unfair to rely on the Exhibits marked as Exhibits B-1 and C-1 as duplicates of the original documents, in lieu of the originals. The Parties waive any and all objections as to the admissibility of the Exhibits marked as B-1 and C-1 on any of the grounds stated herein but reserve the right to object on any other grounds including but not limited to relevancy.

III. Additional Stipulations

a. Nothing in this Stipulation shall prevent either Party from introducing evidence to explain, clarify, or provide additional context for any exhibit that forms the subject matter of this Stipulation.

b. This Stipulation shall not be construed as an express or implied admission of any fact not explicitly made a part of this Stipulation, and shall not be construed as an express or implied admission of liability or any issue in this case or in any other matter, whether pending or not pending as of the date of this Stipulation. Nothing in this Stipulation shall limit the right of the Parties to make any arguments with respect to any issue related to this Stipulation.

Dated: September 2, 2014

By: /S/ O. Max Gardner III
O. Max Gardner III
MaxGardnerLaw, PLLC
Attorneys for Plaintiff
P O Box 1000
Shelby, NC 28151-1000

Dated: September 2, 2014

By: /S/ Kimberly A. Sheek
Kimberly A. Sheek
N.C. State Bar No.: 34199
Attorney for Defendants
10130 Perimeter Parkway, Suite 400
Charlotte, NC 28216
704/333-8107

CERTIFICATE OF SERVICE

I, O. Max Gardner III, hereby certify that a true and correct copy of the foregoing was mailed by CM/ECF and U.S. Mail, postage prepaid, on this day of September 2, 2014 to:

Gary A. Barnes
Baker, Donelson, Bearman, Caldwell & Berkowitz, P.C.
Suite 1600
3414 Peachtree Road
Atlanta, GA 30326

Kimberly A. Sheek
Shapiro & Ingle
10130 Perimeter Parkway
Suite 400
Charlotte, NC 28216

/S/ O. Max Gardner III
O. Max Gardner, III, Esq.
N.C. State Bar No. 6164
MaxGardnerLaw, PLLC
PO Box 1000
Shelby, NC 28150

EXHIBIT B

AFFIDAVIT OF KYLE LUCAS

Personally appeared before the undersigned, duly authorized to administer oaths, Kyle Lucas, who being duly sworn, deposes and states as follows:

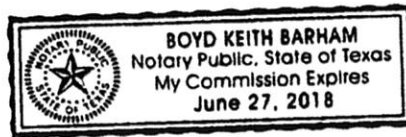
1. I am over the age of 21.
2. I am an employee of Ocwen Financial Corporation, whose indirect subsidiary is Ocwen Loan Servicing, LLC, and have the position of a loan analyst.
3. The Affidavit relates to Ocwen Loan Servicing, LLC loan number [REDACTED] 9242.
4. Ocwen Loan Servicing, LLC's payment and transaction history, a copy of which is attached hereto as Exhibit 1- Loan No. [REDACTED] 9242, is accurate as of June 30, 2014.

IN WITNESS WHEREOF, the undersigned, having been duly sworn, has executed this affidavit, this 27th day of August, 2014.



Name: Kyle Lucas

Sworn to and subscribed before me:
this 27th day of August, 2014.


Notary Public

My Commission Expires: JUNE 27, 2018

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PRINCIPAL BAL:	443,676.90
ESCROW BAL:	0.00

[illegible]

PRINCIPAL BAL:	443,676.90
ESCRON BAL:	0.00

MAIL: P.O. Box 1000
Shelby NC 28151-1000

Check/Ref.	Date	Amount	Account	Description	Amount	Applied	Application	Interest	Balance	Optional	Change	Fee	Suppose	Principal	Balance	Suppose	Balance
Number	Date	Received	Received	Received	Received	Received	Received	Received	Received	Received	Received	Received	Received	Received	Received	Received	Received
07/02/2012	07/02/2012	6.48	Certified Mail Cost	6.48	0.00	0.00	0.00	0.00	0.00	0.00	0.00	6.48	0.00	794.48	62	-1,313.74	0.00
07/02/2012	07/02/2012	3.00	Ship Tracking	3.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	3.00	0.00	797.48	62	-1,313.74	0.00
07/02/2012	07/02/2012	3,596.97	Supervise Tenant	3,596.97	0.00	0.00	0.00	0.00	0.00	0.00	0.00	3,596.97	0.00	794,482.42	62	-1,313.74	0.00
07/02/2012	07/02/2012	1,589.90	Legal Change Waiver	1,589.90	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,589.90	0.00	794,482.42	62	-1,313.74	0.00
07/02/2012	07/02/2012	6,005.40	Payment	6,005.40	1,145.77	3,828.88	1,020.75	0.00	0.00	0.00	0.00	0.00	0.00	794,482.42	62	-1,313.74	0.00
07/02/2012	07/02/2012	6,005.40	Payment	6,005.40	1,145.77	3,828.88	1,020.75	0.00	0.00	0.00	0.00	0.00	0.00	794,482.42	62	-1,313.74	0.00
07/02/2012	07/02/2012	6,005.40	Payment	6,005.40	1,145.77	3,828.88	1,020.75	0.00	0.00	0.00	0.00	0.00	0.00	794,482.42	62	-1,313.74	0.00
07/02/2012	07/02/2012	6,005.40	Payment	6,005.40	1,145.77	3,828.88	1,020.75	0.00	0.00	0.00	0.00	0.00	0.00	794,482.42	62	-1,313.74	0.00
07/02/2012	07/02/2012	6,005.40	Payment	6,005.40	1,145.77	3,828.88	1,020.75	0.00	0.00	0.00	0.00	0.00	0.00	794,482.42	62	-1,313.74	0.00
07/02/2012	07/02/2012	6,005.40	Payment	6,005.40	1,145.77	3,828.88	1,020.75	0.00	0.00	0.00	0.00	0.00	0.00	794,482.42	62	-1,313.74	0.00
07/02/2012	07/02/2012	6,005.40	Payment	6,005.40	1,145.77	3,828.88	1,020.75	0.00	0.00	0.00	0.00	0.00	0.00	794,482.42	62	-1,313.74	0.00
07/02/2012	07/02/2012	6,005.40	Payment	6,005.40	1,145.77	3,828.88	1,020.75	0.00	0.00	0.00	0.00	0.00	0.00	794,482.42	62	-1,313.74	0.00
07/02/2012	07/02/2012	6,005.40	Payment	6,005.40	1,145.77	3,828.88	1,020.75	0.00	0.00	0.00	0.00	0.00	0.00	794,482.42	62	-1,313.74	0.00
07/02/2012	07/02/2012	6,005.40	Payment	6,005.40	1,145.77	3,828.88	1,020.75	0.00	0.00	0.00	0.00	0.00	0.00	794,482.42	62	-1,313.74	0.00
07/02/2012	07/02/2012	6,005.40	Payment	6,005.40	1,145.77	3,828.88	1,020.75	0.00	0.00	0.00	0.00	0.00	0.00	794,482.42	62	-1,313.74	0.00
07/02/2012	07/02/2012	6,005.40	Payment	6,005.40	1,145.77	3,828.88	1,020.75	0.00	0.00	0.00	0.00	0.00	0.00	794,482.42	62	-1,313.74	0.00
07/02/2012	07/02/2012	6,005.40	Payment	6,005.40	1,145.77	3,828.88	1,020.75	0.00	0.00	0.00	0.00	0.00	0.00	794,482.42	62	-1,313.74	0.00
07/02/2012	07/02/2012	6,005.40	Payment	6,005.40	1,145.77	3,828.88	1,020.75	0.00	0.00	0.00	0.00	0.00	0.00	794,482.42	62	-1,313.74	0.00
07/02/2012	07/02/2012	6,005.40	Payment	6,005.40	1,145.77	3,828.88	1,020.75	0.00	0.00	0.00	0.00	0.00	0.00	794,482.42	62	-1,313.74	0.00
07/02																	

OCHEM
MSX-FISC

Payment Reconciliation History

LOAN# [REDACTED]
BORER: Victoria Gardner, III
BORER: Victoria Hewell Gardner
PROP: 403 South Washington Street
Shelby NC 28150

INVESTOR: 272

POOL: 1

DATE PAYMENT DUE: 07/01/2014

INTEREST RATE: 2.00000

PRINCIPAL BAL: 443,676.90

ESCRON BAL: 0.00

MAIL: P.O. Box 1000
Shelby NC 28151-1000

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Check/ Ref. Number	Date Payment Due	Date Received	Date Transaction	Description	Amount Applied/ Applied	Principal Application	Interest Application	Escrow Application	Optional Products	Late Charges	Other Description	Suspense Application	Principal Balance	Escrow Balance	Suspense Balance
		07/11/2014	07/10/2014	Bankruptcy Escrow Adjustment	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	443,676.90	5,356.54	2,313.66
	05/01/2014	07/11/2014		Payment	-216.88	0.00	0.00	0.00	0.00	0.00	0.00	-2,313.66	443,230.48	0.00	0.00
	07/11/2014	07/11/2014		Payment	2,313.66	1,570.96	746.70	0.00	0.00	0.00	0.00	0.00	443,230.48	0.00	0.00
	06/01/2014	07/11/2014	07/11/2014	Prior Payment Shortage	-34.14	0.00	0.00	0.00	0.00	0.00	0.00	0.00	443,230.48	0.00	0.00
	07/11/2014	07/11/2014		Payment	34.14	1,573.58	742.08	0.00	0.00	0.00	0.00	0.00	443,676.90	0.00	0.00
				Ending Balance	0.00	0.00	0.00	0.00	0.00	0.00	-34.14	0.00	443,676.90	0.00	34.14

EXHIBIT C

AFFIDAVIT OF KATHERINE ORTWERTH

Personally appeared before the undersigned, duly authorized to administer oaths, Katherine Ortwerth, who being duly sworn, deposes and states as follows:

1. I am over the age of 21.
2. I am an employee of Ocwen Financial Corporation, whose indirect subsidiary is Ocwen Loan Servicing, LLC, and have the position of a loan analyst.
3. The Affidavit relates to Ocwen Loan Servicing, LLC loan number [REDACTED] 8056.
4. Ocwen Loan Servicing, LLC's payment and transaction history, a copy of which is attached hereto as Exhibit 1- Loan No. [REDACTED] 8056, is accurate as of June 30, 2014.

IN WITNESS WHEREOF, the undersigned, having been duly sworn, has executed this affidavit, this 13th day of July, 2014.

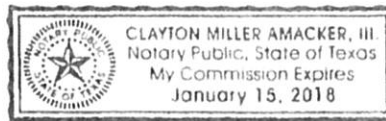
Katherine Ortwerth

Name: Katherine Ortwerth

Sworn to and subscribed before me:
this 13th day of July, 2014.

[Signature]
Notary Public

My Commission Expires: 1/15/2018



Check/Ref. Number	Date	Payment Due	Date Received	Amount	Interest Application	Escrow Application	Optional Products	Late Charges	Fees/Description	Principal Balance	Escrow Balance	Suspense
10/01/2009	12/11/2009	01/01/2010	01/11/2009	-777,100.30	-777,082.90	0.00	0.00	-3,456.53	-54.00	777,082.30	0.00	0.00
				1,000.35	0.00	1,600.35	0.00	0.00	0.00	777,082.30	0.00	0.00
				-10.50	0.00	0.00	0.00	0.00	-10.50	777,082.30	1,000.35	0.00
				-350.28	0.00	0.00	0.00	-250.28	0.00	0.00	0.00	0.00
				-6.48	0.00	0.00	0.00	0.00	-6.48	0.00	0.00	0.00
				-6.48	0.00	0.00	0.00	0.00	-6.48	0.00	0.00	0.00
				-6.48	0.00	0.00	0.00	0.00	-6.48	0.00	0.00	0.00
				-11.00	0.00	0.00	0.00	0.00	-11.00	0.00	0.00	0.00
				-10.50	0.00	0.00	0.00	-250.28	-10.50	0.00	0.00	0.00
				-10.50	0.00	0.00	0.00	0.00	-10.50	0.00	0.00	0.00
				124.90	0.00	0.00	0.00	0.00	124.90	777,082.30	1,000.35	0.00
				6.48	0.00	0.00	0.00	0.00	6.48	777,082.30	1,000.35	0.00
				54.00	0.00	0.00	0.00	0.00	54.00	777,082.30	1,000.35	0.00
				16.78	0.00	0.00	0.00	0.00	16.78	777,082.30	1,000.35	0.00
				11.00	0.00	0.00	0.00	0.00	11.00	777,082.30	1,000.35	0.00
				6,591.26	5,504.12	334.23	0.00	0.00	0.00	776,259.39	1,334.58	0.00
				6,591.26	5,480.79	334.23	0.00	0.00	0.00	775,541.15	1,668.81	0.00
				6,591.26	5,483.42	334.23	0.00	0.00	0.00	774,777.54	2,002.94	0.00
				6,591.26	5,482.56	334.23	0.00	0.00	0.00	774,209.26	2,337.25	0.00
				12,548.35	5,487.07	334.23	0.00	5,957.09	0.00	772,454.09	3,005.73	0.00
				113.32	0.00	0.00	0.00	0.00	0.00	772,340.77	3,005.73	0.00
				6,591.26	5,470.75	334.23	0.00	0.00	0.00	771,554.49	3,339.96	0.00
				-6,527.00	0.00	-6,527.00	0.00	0.00	0.00	771,554.49	3,167.96	0.00
				6,326.55	0.00	6,326.55	0.00	0.00	0.00	771,554.49	3,339.41	0.00
				-0.55	0.00	0.00	0.00	0.00	-0.55	771,554.49	3,339.41	0.00
				6,591.26	5,465.18	334.23	0.00	0.00	0.00	770,762.64	3,673.61	0.00
				-250.28	0.00	0.00	0.00	-250.28	0.00	0.00	0.00	0.00
				-6.48	0.00	0.00	0.00	0.00	-6.48	0.00	0.00	0.00
				6.48	0.00	0.00	0.00	0.00	6.48	770,762.64	3,673.61	0.00
				6.48	0.00	0.00	0.00	0.00	6.48	770,762.64	3,673.61	0.00
				6.48	0.00	0.00	0.00	0.00	6.48	770,762.64	3,673.61	0.00
				6,591.26	5,459.92	334.23	0.00	280.28	0.00	769,162.97	4,332.18	0.00
				6,591.26	5,453.92	334.23	0.00	0.00	0.00	769,162.97	4,334.35	0.00
				-1.75	0.00	-1.75	0.00	0.00	0.00	769,162.97	4,334.35	0.00
				-3,399.56	0.00	-3,399.56	0.00	0.00	0.00	769,162.97	334.79	0

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Payment Reconciliation History

00000
PSA-PHC

LOAN#: 0 Man Gattner 111
BORR#: 267 Helwood Drive
PROP: Cabot NC 28020

INVESTOR: 2723 FOLIO: 1
DATE PAYMENT DUE: 07/01/2014
MAIL: P.O. Box 1000
Shelby NC 28151-1000

INTEREST RATE: 2.60000
PRINCIPAL BAL: 512,481.49
ESTROW BAL: 0.00

Check/Ref. Number	Date	Payment Due	Date	Payment Received	Date	Assessed/Transaction	Description	Amount Applied/Assessed	Principal Application	Interest Application	Escrow Application	Optional Products	Late Charges	Other (See Description)	Suspense Application	Principal Balance	Escrow Balance	Suspense Balance
SEE COMM 12/01/2013	01/29/2014		01/29/2014		02/26/2014	Principal Balance Adjustment		-20,734.64	-20,734.64	0.00	-2,467.44	0.00	0.00	0.00	0.00	524,389.12	2,067.84	0.00
	01/29/2014		01/29/2014			Suspense Payment		3,382.12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	524,389.12	0.00	3,382.12
	01/29/2014		01/29/2014			Altplan Suspense Adjustment		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	524,389.12	0.00	0.00
	01/29/2014		01/29/2014			Insurance Disbursement -WESTF		-6,973.00	0.00	0.00	-6,973.00	0.00	0.00	0.00	0.00	524,389.12	0.00	-6,973.00
SEE COMM 01/01/2014	03/03/2014		03/03/2014			Payment		3,510.39	0.00	0.00	943.86	0.00	0.00	0.00	0.00	527,389.12	0.00	0.00
	03/03/2014		03/03/2014			Payment		3,510.39	1,629.55	871.00	943.86	0.00	0.00	0.00	0.00	527,389.12	0.00	0.00
	03/03/2014		03/03/2014			Payment		0.00	1,629.55	871.16	0.00	0.00	0.00	0.00	0.00	527,389.12	0.00	0.00
	03/03/2014		03/03/2014			Suspense Transfer		-1,382.12	0.00	0.00	0.00	0.00	0.00	0.00	-1,382.12	521,001.20	-5,085.28	0.00
73/74/75 02/01/2014	04/10/2014		04/10/2014			Payment		2,566.23	1,629.55	86.00	0.00	0.00	0.00	0.00	0.00	521,001.20	0.00	0.00
	04/10/2014		04/10/2014			Payment		0.00	1,629.55	86.00	0.00	0.00	0.00	0.00	0.00	521,001.20	0.00	0.00
	04/10/2014		04/10/2014			Payment		2,566.23	0.00	0.00	0.00	0.00	0.00	0.00	0.00	519,202.01	-5,085.28	0.00
	04/10/2014		04/10/2014			Payment		0.00	1,701.02	862.51	0.00	0.00	0.00	0.00	0.00	517,601.99	-5,085.28	0.00
73/74/75 04/01/2014	04/15/2014		04/15/2014			Payment		2,566.23	0.00	0.00	0.00	0.00	0.00	0.00	0.00	515,889.13	0.00	0.00
	04/15/2014		04/15/2014			Escrow Payment Received		0.00	1,703.86	862.67	0.00	0.00	0.00	0.00	0.00	515,889.13	0.00	0.00
	04/15/2014		04/15/2014			Payment		5,085.28	0.00	0.00	5,085.28	0.00	0.00	0.00	0.00	515,889.13	0.00	0.00
	04/15/2014		04/15/2014			Payment		2,566.23	0.00	0.00	0.00	0.00	0.00	0.00	0.00	514,191.43	0.00	0.00
1089 05/01/2014	05/12/2014		05/12/2014			Payment		2,566.23	1,706.70	852.83	0.00	0.00	0.00	0.00	0.00	512,481.49	0.00	0.00
	05/12/2014		05/12/2014			Payment		0.00	1,706.70	852.83	0.00	0.00	0.00	0.00	0.00	512,481.49	0.00	0.00
	05/12/2014		05/12/2014			Payment		2,566.23	0.00	0.00	0.00	0.00	0.00	0.00	0.00	510,772.35	0.00	0.00
	05/12/2014		05/12/2014			Ending Balance		0.00	1,709.54	856.99	0.00	0.00	0.00	0.00	0.00	510,772.35	0.00	0.00